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GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 9th November 1948

ORDINANCE No. XXXII of 1948

AN

ORDINANCE

*further to amend the Code of Criminal Procedure, 1898*

WHEREAS an emergency has arisen which makes it necessary further to amend the Code of Criminal Procedure, 1898 (V of 1898), for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance, 1948.

(2) It shall come into force at once.

**2. Amendment of section 503, Act V of 1898.**—In section 503 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the said Code),—

(i) for sub-sections (2) and (2A), the following sub-sections shall be substituted, namely:—

“(2) When the witness resides in a tribal area, the commission may be issued to the officer exercising the powers of a District Magistrate in, or in relation to, such area.

(2A) When the witness resides in an Acceding State or in any area in, or in relation to, which the Central Government has extra-provincial jurisdiction within the meaning of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947), the commission may be issued to such Court in the State or area as may be recognised by the Central Government by notification in the official Gazette as a Court to which commissions may be issued under this sub-section, within the local limits of whose jurisdiction the witness resides.

(2B) When the witness resides in the United Kingdom or in any British possession other than India or in the Union of Burma, the commission may be issued to such Court or Judge having authority

in this behalf in that country as may be specified by the Central Government by notification in the official Gazette."

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) Where the commission is issued to an officer exercising the powers of a District Magistrate in a tribal area under sub-section (2), he may, in lieu of proceeding in the manner laid down in sub-section (3), delegate his powers and duties under the commission to any officer subordinate to him whose powers are not less than those of a Magistrate of the first class in the Provinces of India."

**3. Amendment of section 505, Act V of 1898.**—In section 505 of the said Code,—

(i) in sub-section (1), for the words, brackets, letter and figures "and, except in a case to which clause (b) of sub-section (4) of section 508 applies, the Magistrate" the words "and the Magistrate" shall be substituted; and the sentence beginning with the words "In a case to which" and ending with the words "forwards the commission for execution" shall be omitted;

(ii) in sub-section (2), for the words, brackets, letter and figures "except in a case to which clause (b) of sub-section (4) of section 508 applies, before such officer" the word "officer" shall be substituted.

**4. Amendment of section 507, Act V of 1898.**—In sub-section (1) of section 507 of the said Code, the words, brackets, letter and figures "or, in a case to which clause (b) of sub-section (4) of section 508 applies, has been again received by the officer by whom it was forwarded to the State Court" shall be omitted.

**5. Amendment of section 508A, Act V of 1898.**—In section 508A of the said Code, for the words "by a Magistrate or Court in Burma under the law in force in Burma" the words "by any Court or Judge having authority in this behalf in the United Kingdom or in any British possession other than India or in the Union of Burma under the law in force in that country" shall be substituted.

C. RAJAGOPALACHARI,  
*Governor-General.*

ORDINANCE No. XXXIII of 1948.

AN

## ORDINANCE

*to increase the customs duties leviable on certain goods.*

WHEREAS an emergency has arisen which makes it necessary to increase the customs duties leviable on certain goods;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (28 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

**1. Short title, extent and commencement.**—(1) This Ordinance may be called the Indian Tariff (Amendment) Ordinance, 1948.

(2) It extends to all the Provinces of India, and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State as respects the matters dealt with in this Ordinance.

(3) It shall come into force at once.

**2. Amendment of the First Schedule, Act XXXII of 1934.**—In the First Schedule to the Indian Tariff Act, 1934 (hereinafter referred to as the Tariff Act),—

(a) in Item No. 24, for the entry "Rs. 18 per lb.", in the fourth column, the entry "Rs. 16-4 per lb." shall be substituted;

(b) in Items Nos. 24(1) and 24(2), at the end of the fourth column, the words "and, in addition thereto, one-fourth of the total duty so chargeable." shall be added;

(c) in Item No. 24(3), for the entries "Rs. 7-8 per lb." and "Rs. 7 per lb." in the fourth and sixth columns, the entry "Rs. 9-6 per lb." shall be substituted;

(d) for Item No. 28(14), the following Item shall be substituted, namely:—

**"28(14) TOILET REQUISITES—**

(a) Talcum powder, tooth powder, tooth paste, shaving soap and shaving cream.	Revenue	30 per cent. <i>ad valorem</i> .	...	...	...
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(b) Not otherwise specified.	Revenue	37½ per cent. <i>ad valorem</i> .	...	...	...";
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(e) in Items Nos. 34(8), 48(10), 51, 61(8), 61(9), 82(1), 84 and 85(1), for the entry "50 per cent. *ad valorem*", in the fourth column, the entry "75 per cent. *ad valorem*" shall be substituted;

(f) in Item No. 75(1), for the entries "50 per cent. *ad valorem*" and "42½ per cent. *ad valorem*", in the fourth and fifth columns, the entries "60 per cent. *ad valorem*" and "54 per cent. *ad valorem*" shall respectively be substituted.

**3. Enhancement of customs duties on certain articles.**—Where any goods chargeable with a duty of customs under the First Schedule to the Tariff Act, or under the said Schedule read with any notification of the Central Government for the time being in force, are assessed to duty, there shall be levied and collected as an addition to, and in the same manner as, the total amount so chargeable, a sum equal to one-half of such amount,—

(a) in the case of goods comprised in Items Nos. 22(2) and 22(4); and

(b) in the case of goods comprised in Items Nos. 48, 48(1), 48(4), 48(5) and 49, if the said goods contain not less than fifty per cent. of silk or artificial silk or of both.

**4. Additional duties not to be levied under the Indian Finance Act, 1948, in certain cases.**—The additional duties leviable under section 5 of the Indian

Finance Act, 1948 (XX of 1948), shall not be levied in respect of the goods specified in the Items referred to in clauses (d) and (e) of section 2 and in section 3.

C. RAJAGOPALACHARI,  
*Governor-General.*

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K. Y. BHANDARKAR,  
*Secy. to the Govt. of India.*